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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,880	05/22/2001	Janos Enderlein	450117-03316	1271

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EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/862,880

Applicant(s)

ENDERLEIN ET AL.

Examiner

SIMON D NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 8-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Przelomiec et al. (5,915,212).

Regarding claim 8, Przelomiec discloses a dual-band transceiver (fig.6-9, 10b-d), comprising: a receiver performs to select one of a plurality of different frequency bands (56, 58) at a receiver; a transmitter performs to select one of the plurality of different frequency bands (70, 72) at times distinct from times of the receiving operation at a transmitter; a receiving/transmitting liter selector (64) for controlling radio frequency bands such that during the receiving operation, radio signals of the selected frequency band pass through the receiving branch and are blocked in the transmitting branch (figs. 4-9, 10b-d, column 8 line 44 to column 10 line 23).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 8, wherein in the receiving operation, a received signal in the receiving branch passes a filtering signal path tha passess the selected frequency band without passing a filtering signal path that attenuates the selected frequency band a transmission signal is the

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transmitting branch passes at least one of the filtering signal paths that attenuates the selected frequency band (column 8 line 44 to column 9 line 11).

Regarding claims 10-11, these claims are rejected for the same reason as set forth in claims 8-9, respectively, as methods.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (6484,013) in view of Przelomiec et al. (5,915,212).

Regarding claim 1, Ishii discloses a mobile multi-band radio transceivers (abstract, fig.2), comprising: a receiver and a transmitter respectively support two different frequency bands (fig.5); a receiving/transmitting selector (CPU 36 of fig.2) controlling frequency band within the receiver and transmitter, respectively, in receiving mode so that radio signals of a frequency band (AMPS) which are passed through in the receiver at time T2, at the same time another frequency band (PCS) is passed in the transmitter (fig.5, column 7 lines 5-9, column 8 lines 18-21) which means the AMPs frequency is blocked in the transmitter at time T2. However, Ishii does not specifically disclose a transmitter/receiver filter selector.

Przelomiec discloses a dual-band transceiver (abstract, figs.6-8) having a receiving/transmitting filter selector (#64) for controlling (switching) radio frequency filters (56,58) in a receiving branch and controlling radio frequency filters (70,72) in a transmitting branch (column 8 line 44 to column 9 line 58). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Ishii, modified by Przelomiec in order to prevent an interference between transceiving band.

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1.

Regarding claims 2-4, Ishii discloses in the receiving mode the receiver is switched into a state for electrically connecting the receiver of a first frequency band (AMP) and the transmitter is switched into a state for electrically connecting a transmitter for filtering radio signals of a second frequency band (PCS) (figs.2, 5). However, Ishii does not specifically disclose each transmitter and each receiver having at least two frequency filters.

Przelomiec discloses a dual-band transceiver (abstract, figs.4-8), wherein each receiver having at least two filters (56, 58) wherein each transmitter having at least two filters (70, 52), wherein each filter pair in parallel and between at least one pair of multiplexer switches (54, 60, 74, 68) and wherein filter selector and control signal (64) for controlling to select mode to operation for each band (column 6 line 49 to column 7 line 41, column 8 line 1 to column 9 line 12), and wherein Przelomiec further discloses a demodulator, a down converter, an IF signal, a modulator, an up converter, an oscillator (62, 66, column 6 lines 25-27, column 7 lines 21-25). It should be noted that a

modulator, demodulator, and IF signal are inherently in the mobile transceiver of Przelomiec. Therefore, it would have been obvious to those skilled in the art at the time the invention was made to have Ishii, modified by Przelomiec to stop an unwanted frequency band and allow a particular band to pass to a corresponding band filter in order to synchronize system performance.

Regarding claim 5, in the modified Ishii system, Ishii further discloses the mobile radio transceiver contains a high frequency band (1830-1990 Mhz) (column 6 lines 28-29). However, the modified Ishii system does not specifically disclose a hiperLAN.

The examiner takes an official notice that since the transceiver as taught by Ishii used in a GHz frequency band. Therefore, with a modification of the circuit, the modified Ishii system can be used in a higher frequency up to several GHz (a hiperLAN) which is known to those skilled in the art in order to improve the system performance implement with a BLUETOOTH technology.

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 2.

### ***Response to Arguments***

5. Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive.

Applicant argued that: Ishii does not disclose respective filters in the receiving/transmitting branch and a control signal for selecting receiving/transmitting filters for transmitting/receiving branches.

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Reviewing the argument, the examiner disagrees because the following reasons: claims 1 and 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Ishii wherein Ishii discloses a dual-band transceiver operable in two different bands PCS and AMPS, wherein a CPU performs to control for transmission and reception signals (column 6 lines 20-29). Since Ishii discloses the dual-band transceiver PCS and AMPS, wherein the PCS signal band has to pass through a PCS filter and the AMPS signal band has to pass through a AMPS filter that is known to one skilled in the art.

Since the applicant challenged the rejection, the examiner applied the prior art of Przelomiec, wherein Przelomiec discloses respectively filters in receiving/transmitting branch to the reception/transmission of a desired frequency band and wherein a controller 64 as a receiving/transmitting filter selector for controlling signals to different filtering bands in reception/transmission branch (see the rejection above)

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

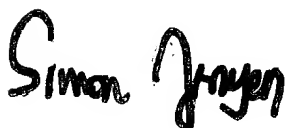
Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

November 18, 2004

A handwritten signature in black ink that reads "Simon Nguyen". The signature is written in a cursive, slightly stylized font.